

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 688 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PATEL BALDEVBHAI MOHANBHAI

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR NS DESAI for Petitioner
M/S MG DOSHIT & CO for Respondent No. 1
MR VM PANCHOLI for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/03/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner is not an agriculturist. He has not
disclosed how he is affected by this tariff of

electricity charges as prescribed by the Gujarat Electricity Board with reference to the horse power of the electricity motors used in the tubewells. In para-2 the petitioner has given out that this writ petition is filed in representative capacity but no such permission has been taken. In para-2, the petitioner has made reference to some partnership deed but therein name of petitioner is not there.

#. The Gujarat Electricity Board and the State of Gujarat have fixed up the tariff for consumption of electricity on the basis of different types of electricity motors. This is a tariff rate for consumption of electricity on the basis of the horse power capacity of electricity motors and it cannot be said to be arbitrary. The learned counsel for the petitioner has failed to show how this tariff rate fixed for electricity charges with reference to the horse power of electricity motors to be used for pumping of water is arbitrary, unjustified, unreasonable and violative of Articles 14 or 19 of the Constitution of India. This is a reasonable basis for fixing of the tariff for electricity consumption by the agriculturists to which no exception can be made.

#. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court, stands vacated. The petitioner is directed to pay Rs.500/= as costs to each of the respondent.

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(sunil)